

5/30 Many thanks to Je for the trouble on Marshall's defense of the FBI. It is not all of it, but it is the part I didn't have. The other part dealt with their (to him) stellar performance on civil-rights matters after the law was passed...He went out of his way, took the initiative to defend FBI & JEE and in areas where they are indefensible, like tapping, bugging, propaganda. It is entirely unseemly for the man who, when Hoover's mortal enemy was alive, he represented and then screwed with a meathook. It fits rather well with everything else, Marshall is running a Hoover (subsidiary, Jackie) operation, not representing the interests or the person of the man now in charge, Teddy, with whom he was recently photographed (rather prominent play in LEFT). And he looks the part, too, even with his mod long hair. Great! Many thanks. Hope not too much trouble. And hope it expanded your (pl) understanding. JW

26 May 72

The Princeton conference on the FBI (29 Oct 71) lasted two days, so the tape - although it's 3½ hours long—doesn't cover all of it. You were interested in Burke Marshall's exact words and all there is of that on the tape, as broadcast, are the following two excerpts. Have no indication of the date of either.

Moderator: ..... First we'll hear from Victor Navasky, to my immediate left, who's a journalist, he's an editor of the New York Times Magazine and has recently published a book that's received considerable critical notice, "Kennedy Justice." The second speaker will be Mr. Nathan Lewin, who's a veteran of the Justice Department including the Solicitor General's office in the Civil Rights Division; also was a law clerk to Mr. Justice Harlan in the United States Supreme Court. He and Mr. Navasky collaborated on the paper and he'll speak as soon as Mr. Navasky has completed his remarks, and then we'll open the discussion to the conference participants.

[Navasky and Lewin speak. Then, following question by one of the conference participants, on wiretapping for "preventive intelligence" purposes, Moderator says:]

Moderator: Burke, you wanted to make a comment?

Marshall: Well, I wanted to ask a question. As I heard you - maybe I missed something - as I heard you, you were talking about taps and bugs that were authorized by someone; maybe wrongly authorized but authorized by someone [in the case?] - authorized by the Attorney General or authorized by the Director. Now I think that people have the impression at least - and this is what my question is - that Bureau agents are sometimes forced, through the incentives on them, the pressures on them, to get the job done, to use these devices in ways that are not authorized even within the rules of the Bureau, or to do that in cooperation with local authorities. Have you - does your paper - have you tried to evaluate that aspect of it or -

[Interrupted here by answer by either Navasky or Lewin; could not tell from voice which it was, probably Navasky.]

[Following speech by (Robert?) Sherrill and remarks by another speaker, Arthur Schlesinger comments:]

Schlesinger: I'd like to [two words unintelligible - "follow up"?] on this earlier point. It seems to me the real question isn't the propaganda effort on the part of the FBI but the extent to which they got away [apparently started to say "got away with it," changed it to:] - it succeeded. I can recall that, it seems to me as late as 1934, Ray Tucker had a piece in Collier's called "Washington's No. 1 Snoop," which was a very funny, rather derisive piece about J. Edgar Hoover. Somewhere in the next few years it became impossible to write pieces about J. Edgar Hoover entitled "Washington's No. 1 Snoop." By the 40's and 50's only a few journalists - Jimmy Wechsler, Izzy Stone - were really saying anything critical at all. The great figures of American journalism were silent as everybody else. The New York Times - I think you could go search the New York Times for years and find nothing critical of J. Edgar Hoover. And I think the reason for that wasn't the success of the mechanisms which Mr. Sherrill so well describes, but something deeper, and I would be interested in comment on that.

Moderator: Burke Marshall, did you want to comment?

Marshall: Did you want me to comment?

Moderator: If you feel like it, go ahead.

Marshall: Well, I don't want to comment. [Audience laughter.] I agree - I agree with that statement -

Moderator [interrupts]: You agree with it? That's a comment.

Marshall: - I think that we should always remember, you know, and I think [John Ellis?] made the point before with respect to Mr. Stone's statement, that a great deal of what is attributed to the Bureau shouldn't be just attributed to the Bureau—it's part of the whole political climate and system in the country and is participated in by

Excerpts, Princeton conference - 2

Presidents and Attorneys General and the Congress of the United States and newspapers and - , which is Arthur's point, so I agree with that and in fact I enlarge [?] on it that way.

I wanted to ask another question. The program on The Selling of the Pentagon suggested - at least, I didn't see the program but I read about it - suggested an enormous, and I guess it suggested improper, expenditure of funds out of the military budgets for this purpose. As I listened to Mr. Sherrill I didn't hear any suggestion of that kind with respect to the Bureau. And I wanted to know whether he considered that point, whether that was an intentional omission, whether he thinks it would not be an appropriate charge against the Bureau, or how he would evaluate that.

Sherrill [?]: So far as I know, it doesn't exist. Warner Brothers and Twentieth Century and all these others, they were more than happy to pay the cost of producing the movie, and the most that you could dock Hoover for in most instances would be supplying a special agent for the set as an adviser. And I suppose his own time or that of his assistants in reading the script; he does read the script/.....

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